

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

ROY D. NEWPORT, <i>et al.</i> ,)	Case No. CV-10-4511-WHA
)	
Plaintiffs,)	STIPULATION AND PROPOSED
)	ORDER EXTENDING TIME FOR
vs.)	PARTIES TO CONDUCT
)	MEDIATION
BURGER KING CORPORATION,)	
)	
Defendant.)	
_____)	

Pursuant to Local Rule 6-2, the parties hereby stipulate that the parties should be allowed through and including July 21, 2011 to conduct mediation and declare as follows:

1. The Court appointed Martin Quinn, Esq. as the Mediator assigned to this case by order dated March 25, 2011. [DE 53].
2. Pursuant to ADR L.R. 6-4, the deadline to conduct mediation is within 90 days of this Court's January 21, 2011 Case Management Order and Reference to ADR Unit for Mediation: April 21, 2011. [DE 34].

1 3. The parties and the Mediator have conducted a joint phone conference to
2 discuss this case and mediation and agree that an extension of time to conduct mediation is
3 warranted given the discovery that the parties wish to complete prior to mediation.

4 4. The Mediator has authorized the parties to advise the Court that the Mediator
5 believes that the extension of time is warranted and that such an extension will not disrupt
6 Court deadlines in the case. Further, the Mediator has authorized the parties to advise the
7 Court that he believes that mediation in April would be pointless.

8 5. Finally, the Mediator has requested that the parties file this stipulation after he
9 contacted the Court regarding the parties' request for an extension of time to complete
10 mediation.

11 6. Accordingly, the parties respectfully request that the Court enter an Order
12 granting an enlargement of time within which they may mediate this case through and
13 including July 21, 2011.

14 IT IS SO STIPULATED.

15 Dated: April 12, 2011

GENOVESE JOBLOVE & BATTISTA, P.A.
MICHAEL D. JOBLOVE (admitted *pro hac vice*)
100 SE 2nd Street, Suite 4400
Miami, Florida 33131

17
18 By: /s/ Michael Joblove¹
Attorneys for Defendant
Burger King Corporation

20 Dated: April 12, 2011

HANSON BRIDGETT LLP
RICHARD J. STRATTON
KURT A. FRANKLIN
MEGAN OLIVER THOMPSON
425 Market Street, 26th Floor
San Francisco, CA 94105

24 By: /s/ Richard Stratton
Attorneys for Plaintiffs

26 _____
27 ¹ Pursuant to General Order No. 45, Section XB, of the United States District Court, Northern
28 District of California, I, Michael Joblove, hereby attests that concurrence in the filing of this
stipulation has been obtained from each of the signatories designated herein.

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 13, 2011



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE